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California Regional Water Quality Control Board San Diego Region

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(619) 467-2952 • Fax (619) 571-6972
<http://www.waterboards.ca.gov/sandiego>

June 6, 2006

CERTIFIED MAIL
7006 0810 0000 6389 0268

Mr. Gil Lackritz
Excellent Coatings Inc.
1285 Distribution Way
Vista, California 92081-8817

In reply refer to:
CA:10-0019114.02:Rstewart

Dear Mr. Lackritz:

**SUBJECT: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2006-0077
AGAINST EXCELLENT COATINGS INC. FOR VIOLATION OF STATE
BOARD ORDER NO. 99-07-DWQ**

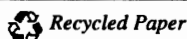
Enclosed is a copy of Administrative Civil Liability Complaint No. R9-2006-0077 against Excellent Coatings, Inc. The Complaint, in the amount of \$3,500, is for failure to submit the Fiscal Year (FY) 2004-05 annual storm water monitoring report. The annual report is required by Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated in Industrial Activities Excluding Construction Activities (General Permit).

Excellent Coatings, Inc. may waive its right to a hearing before the Regional Board. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$3,500 as set forth in the Complaint. Be aware that if Excellent Coatings, Inc. intends to waive its right to a hearing before the Regional Board, you or an authorized agent are required to:

Submit a cashier's check made payable to the State Water Resources Control Board for the full amount of civil liability of \$3,500 with the signed waiver form.

If Excellent Coatings, Inc. does not elect to waive its right to a public hearing, a public hearing on this matter will be scheduled before the Regional Board at its meeting on August 9, 2006 at the Regional Board Meeting Room, 9174 Sky Park Court, San Diego, California. An agenda, with procedures for the hearing will be mailed to you not less than 10 days before the hearing date. At the hearing the Regional Board will determine the validity of the allegations and, if the allegations are found to be true, will consider

California Environmental Protection Agency



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whether to assess civil liability in the amount proposed by the Complaint, or in some other amount.

If Excellent Coatings, Inc. intends to present any written evidence at the hearing in response to Complaint No. R9-2006-0077, it must be received by 5:00 p.m. Friday, July 21, 2006, in order to be considered by the Regional Board at the public hearing. Please submit twenty (20) copies of any response, including evidentiary exhibits. Copies of material submitted will be forwarded to the Regional Board Members prior to the hearing.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to." In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this matter please contact Rebecca Stewart at (858) 467-2966 or Rstewart@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

JHR:mpm:mja:rls

Enclosures: (1) Complaint No. R9-2006-0077
(2) Waiver of Public Hearing Form

cc: John Richards, Office of Chief Counsel, State Water Resources Control Board (via e-mail)

Greg Gearheart, Division of Water Quality, State Water Resources Control Board (via e-mail)

Jimmy Smith, RWQCB, Northern Watershed Protection Unit (via e-mail)

Kathi Moore, U.S. Environmental Protection Agency, Criminal Investigations Division, 75 Hawthorne Street, WTR-7, San Francisco, CA 94105-3901 (with enclosures)

Patti Krebs, Executive Director, Industrial Environmental Association, 701 B Street, Suite 1040, San Diego, CA 92101 (with enclosures)

California Environmental Protection Agency